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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JUL 31 AM 11:16
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY

UNITED STATES OF AMERICA, Plaintiff, v. **Simon SANTOS-Licea,** Defendant	Magistrate Docket No. '08 MJ 2352
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **July 30, 2008** within the Southern District of California, defendant, **Simon SANTOS-Licea,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **31st** **DAY** OF **JULY, 2008**

Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Simon SANTOS-Licea

PROBABLE CAUSE STATEMENT

On July 30, 2008 Border Patrol Agent F. Polo was assigned to line watch duties in an area approximately two miles east of the Otay Mesa, California Port of Entry and four miles north of the United States/Mexico international border.

At approximately 9:20 A.M., Agent Polo observed a group of six individuals walking in this area. Agent Polo approached the group and identified himself as a United States Border Patrol Agent and conducted an Immigration Inspection. All six individuals, including one later identified as the defendant **Simon SANTOS-Licea**, admitted to being a citizens and nationals of Mexico present in the United States without proper immigration documents that would allow them to enter or remain in the United States legally. All six were placed under arrest and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **March 17, 2008.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.